TOWN OF BARRINGTON, NEW HAMPSHIRE 03825

POLICY OF THE BOARD OF SELECTMEN REGARDING CONSTRUCTION ON CLASS VI AND PRIVATE ROADS

Under RSA 674:41 the Board of Selectmen has the discretion to authorize the issuance of all building permits on Class VI town roads and Private Roads, after review and comment by the Planning Board.

The Board of Selectmen has adopted this policy to help provide a uniform decision-making process when it is presented with such an application. It is intended that the Board of Selectmen will consider any factor it deems relevant to the authorization of a building permit in a particular case. Therefore, this statement of policy is not intended to be an exhaustive list of factors which may be taken into account by either the Planning Board or Board of Selectmen when reviewing an application for a building permit on a Class VI or Private Road.

1. Statement of Purpose. It is the purpose of this policy to ensure that emergency vehicles going to any structure built on Class VI or Private Roads will travel on roads that are properly constructed and maintained so as to be accessible in a safe manner at all times. In that way, the safety and property of people occupying or using those structures will not be unreasonably placed at risk, nor will the safety of emergency response personnel or their vehicles and equipment be needlessly endangered.

Further, the Board is mindful that development along a Class VI or Private Road may well lead to the receipt of a petition to lay out the road as Class V, town-maintained road, or a petitioned warrant article requesting the Town Meeting to reclassify the Class VI or Private Road as Class V. It is therefore the purpose of this policy to limit development along Class VI or Private Roads where such development will cause hardship to the town because of undue financial impact.

- 2. <u>Application</u>. Every application to the Board of Selectmen requesting that the Board authorize the issuance of a building permit on a Class VI or Private Road shall be made in writing and be accompanied by a map drawn to scale showing:
 - a) The location and size of the lot and its relation to the Class VI or Private Road and the Class V or better road which allows access to the Class VI or Private Road;
 - b) the specific location of all proposed structures;
 - c) the location and length of the driveway giving access to the structures from the Class VI or Private Road;

- d) any other information which the Board of Selectmen may reasonably require including, but not limited to, the location and condition/capacity of any existing bridges or culverts, impacts to wetlands, road grade and a plan describing continued maintenance for the road you are requesting a building permit on.
- 3. <u>Partial List of Factors.</u> In reviewing an application for a building permit on a Class VI or Private Road the Planning Board and Board of Selectmen may consider any factors it deems relevant, including but not limited to the following:
 - a) whether the issuance of the building permit would be contrary to the spirit and intent of this policy;
 - b) whether the applicant proposes to physically bring the relevant portion of the Class VI or Private Road to Class V standards;
 - c) whether the Board finds that the applicant will properly maintain, individually or through a Road Association, the portion of the Class VI or Private Road needed to access the property from the Class V or better road;
 - d) any recommendations provided as a result of the Planning Board review;
 - e) any recommendations provided by the Road Agent.

4. Improvements to Class VI and Private Roads.

- a) Before beginning any work within the limits of a Class VI road, the applicant must receive a written permit from the Board of Selectmen pursuant to RSA 236:9-11 and shall be subject to the penalties provided by RSA 236:14 for failure to secure or comply with the terms of said permit.
- b) The standards to which the Class VI and Private Roads must be brought in the usual case are those set out in the Subdivision Regulations, Appendix I, adopted by the Barrington Planning Board on July 1974 and any amendments thereto. However, the Board of Selectmen reserves the discretion to waive the application of such road standards or any portion thereof for good cause shown for the construction of only a single family dwelling on a single lot. In case such a waiver is granted, the applicant shall nonetheless adhere to the following minimum requirements to ensure that emergency vehicles will be able to access the property at any time of the year without undue risk to life or equipment:
 - i) the road shall have a sixteen foot (16') traveled surface with two foot (2') shoulders on each side;
 - ii) the road shall be finished with four inches (4") of crushed gravel;
 - iii) drainage culverts shall be installed as required;
 - iv) turnarounds shall be constructed as required;
 - v) pavement may be required, depending upon steepness of slope and other relevant circumstances.

- c) The Board of Selectman may require that the proper completion of the required improvements to the Class VI or Private Road be secured to the Town by the applicant by the submission of a performance bond, irrevocable letter of credit, cash, or other type or types of security in an amount and subject to such terms and conditions as shall be specified by the Board of Selectman.
- 5 Public Hearing. Prior to the issuance of its decision on the application, the Board of Selectmen shall hold a public hearing with at least fourteen (14) days prior notice sent certified mail, return receipt requested, to the applicant and to each owner of property abutting the Class VI or Private Road in question. The notice shall also be posted in at least two (2) public places within the Town. The applicant shall pay the costs of such notice, in advance. The Board of Selectmen will also endeavor to ensure that timely notice of the public hearing is given to the Chair of the Planning Board, Zoning Board of Adjustment, and Conservation Commission, as well as to the Road Agent, Chief of Police, Ambulance Chief, Fire Chief, Building Inspector/Code Enforcement Officer and Zoning Compliance Officer.
- 6. Notice to be Recorded. Prior to the actual issuance of a building permit authorized by the Board of Selectmen, the applicant shall produce evidence that a notice has been properly recorded at the Strafford County Registry of Deeds to the effect that the Town of Barrington neither assumes responsibility for maintenance of the Class VI or Private Road nor liability for damages resulting from the use thereof, pursuant to RSA 674:41, I (c) (3). Such notice shall be prepared at the expense of the applicant by an attorney who shall represent the Town's interests in the matter, to be named by the Board of Selectmen. In addition, prior to the actual issuance of a certificate of occupancy authorized by the Building Inspector, the applicant shall complete all roadwork to the satisfaction of the town's Road Agent.

7. Guarantee of Future Maintenance.

Prior to the actual issuance of a building permit, the applicant shall either join and contribute to a Road Association responsible for future road maintenance, or individually agree to perform the road maintenance necessary to safely access the property from a Class V or better road. In either case, the applicant shall provide the Selectman with an appropriate duly recorded instrument for the purpose of guaranteeing that future maintenance of the access road will be performed in a timely manner.

8. Appeal. Any applicant, after applying for and being denied the issuance of a building permit by the Board of Selectmen, may appeal to the Zoning Board of Adjustment. Any such decision made in this connection by the Zoning Board of Adjustment shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

 Repeal. The adoption of this Policy shall open statement of policy to the extent the latter is in 	rate as a repeal of any other consistent herewith.
IN WITNESS WHEREOF, the undersigned membe Selectmen have set their hands this10thday o	ers of the Barrington Board of f, 2004.
& Jank M. Call	
Doug Call Chairman, Board of Selectmen	
The state of the s	
George Bailey, Selectman	a a
Sand	
Larry Meske, Selectman	
Chuck O'Ceallaigh, Selectman	
Vicky Roundy, Selectman	

[Adopted May 10, 2004]

TOWN OF BARRINGTON



PRIVATE ROAD Notice of Limits of Municipal Responsibility and Liability

NOW COMESLand Owner (s)	, Hei	reinafter Refe	rred to as	
Land Owner (s)		0.0		Land Owner (s)
of Road Name (specify extension ie: Dr, St, Lane, etc.	, County o	of Strafford, S	tate of New Ha	mpshire and Town of
Barrington, Hereinafter Referred to as	TOWN, a N	Junicipal Cor	noration Existi	no Under the Layre of
the State of New Hampshire and Agree	as Follows:	zamorpar Cor	Porumon DAISH	ing officer the Laws of
1				
WHEREAS Land Owner (s)	, Being the	he Owner(s) (Of Record of Co	ertain Real Property
Land Owner (s)	nn C4-4- 1	in the D. I.D.	1.1 (2)	1 7
onRoad Name (specify extension ie: Dr, St, Lane, etc.	, as Stated	in the Deed R	ecorded at Boo	okPage,
at the Strafford County Registry of Dee	ds, Map	Lot	Plot	Unit .
, - ,	•			•
WWW.DDAG (L. D. L D				
WHEREAS the Relevant Portion of Sa	ud			Upon Which
theRea	Road Nar 1 Property Fr	onts is Private	e Road)
the Rea	2 roporty 11	onto 15 1 11 val	c icoau.	
WHEREAS the Town has Agreed a Procedures on Said Real Property Upon County Registry of Deeds, Pursuant to 1	n the Filing o	f the Within	Notice and reco	ording at the Strafford
NOW THEREFORE the		А	cknowledges a	nd Agrees on Behalf
La	nd Owner (s)			
of Themselves, Their Heirs, Legal Repr	esentatives, S	uccessors and	l Assigns as Fo	llows:
I. The TOWN Shall Allow			to Co	instruct a Residence
1942 - Charles and	Land Owner (s)	10 C0	nstruct a Residence
Pursuant to Building Permit by the To	OWN on the	Property on $_$		
		F	Road Name (specify ex	ktension ie: Dr, St, Lane, etc)
2. The TOWN Neither Assumes Responding Liability for any Damages Resulting	sibility for M From the Use	of	ncluding Snow	-
		Road Name	(specity extension ie-	Dr St I and atal

3.	ACKIIOWI	edges that the IOWN Shall not be Respons	ible for		
		d do Hereby Forever Release and Discharge			
TOWN, its Officer	s, Agents and Employees F	rom the Obligation of Maintaining	o the		
	Road Name (anaifi.				
extension ie: Dr, St, Lane, e	Road and From any Claim of Any Nature, Whether in Tort or Otherwise				
Incurred through F	which the Owners Might Have Against the TOWN for Any Loss or Damage, Including Those accurred through Failure to Provide Municipal Services, Including Police, Fire and Ambulance				
Services, Arising o	ut of the Condition of the R	oadway from the Point Wherein			
	Road is a Private R	Dood Name (Road Name (specify		
extension ie: Dr, St, Lane,	etc)				
	Assu Owner (s) ular School Bus Stop.	mes Responsibility for Transporting any Cl	nildren		
	•				
5. That	Agrees Th	t he Shall be Responsible for Maintaining A	Access		
Over	at a N	linimum Width of Feet Any Mainte	nance or		
Road Name (specify	extension ie: Dr, St, Lane, etc)	Inimum Width of Feet. Any Mainte	mance of		
Repair of	pecify extension ie: Dr. St. Lane. etc)	s to be Undertaken by			
at Their Own Exper	ise.	Land Owner (S)			
		Agreement at any Transfer of This Property	y .		
DATED THIS	DAY OF	YEAR			
Witness		Land Owner			
Witness		Selectman, Town of Barrington, NH			
Witness		Selectman, Town of Barrington, NH			
Vitness		Selectman, Town of Barrington, NH			
Tit.					
Vitness		Selectman, Town of Barrington, NH			

TOWN OF BARRINGTON



CLASS VI ROAD Notice of Limits of Municipal Responsibility and Liability

NOW COMES	Land Owner (s) Land Owner (s) Land Owner (s)
Barrington, Hereinan	Land Owner (s) County of Strafford, State of New Hampshire and Town of the Referred to as TOWN, a Municipal Corporation Existing Under the Laws of mpshire and Agree as Follows:
WHEREAS	, Being the Owner(s) Of Record of Certain Real Property as Stated in the Deed Recorded at Book Page,
at the Strafford Coun	ty Registry of Deeds, MapLotPlotUnit
Land Owner	Road Name (specify extension ie: Dr, St, Lane, etc) Real Property Fronts is a Class VI Highway as Classified by New tatutes Annotated 229:5.
Procedures on Said R	wn has Agreed to Issue a Building Permit in Accordance with Permitting eal Property Upon the Filing of the Within Notice and recording at the Strafford eeds, Pursuant to New Hampshire Revised Statutes Annotated 674:41.
NOW THEREFORE	the Acknowledges and Agrees on Behalf
of Themselves, Their I	Heirs, Legal Representatives, Successors and Assigns as Follows:
1. The TOWN Shall A Pursuant to Building	Land Owner (s) g Permit by the TOWN on the Property on Road Name (specify extension ie: Dr, St, Lane, etc)
	Road Name (specify extension ie: Dr, St, Lane, etc)
2. The TOWN Neither Liability for any Da	Assumes Responsibility for Maintenance, Including Snow Plowing, nor mages Resulting From the Use of
	Road Frame (specify extension ie: Dr, St, Lane, etc)

٥.	Land Owner(s)	Acknowled	iges that the IOWN Shall not be Responsible for
		Subject Property and s and Employees Fro	do Hereby Forever Release and Discharge the m the Obligation of Maintaining
	extension ie: Dr, St, Lane, etc)	ad and From any Cla	im of Any Nature, Whether in Tort or Otherwise
	which the Owners Might Ha Incurred through Failure to	Provide Municipal S	VN for Any Loss or Damage, Including Those ervices, Including Police, Fire and Ambulance adway from the Point Wherein
	extension ie: Dr, St, Lane, etc)	d is a Class VI Highv	Road Name (specify
4.	ThatLand Owner(s) to the Nearest Regular Scho	Assum	nes Responsibility for Transporting any Children
5.	ThatLand Owner(s)	Agrees That	he Shall be Responsible for Maintaining Access
	Over	Dr. St. Lane. etc.)	nimum Width of Feet. Any Maintenance or
	Repair of Road Name (specify exten at Their Own Expense and S	is sion ie: Dr, St, Lane, etc) hall Take Place Only	Land Owner (s) y After Permission is Granted by the Board of pshire Revised Statutes Annotates 236:9
6.	The Owner(s) Agree to Stipu	late and Pass This A	greement at any Transfer of This Property.
DA	TED THIS	_ DAY OF	YEAR
<u> </u>			
Witn	ess		Land Owner
Witne	ess		Selectman, Town of Barrington, NH
Witne	ess		Selectman, Town of Barrington, NH
Witne	ess		Selectman, Town of Barrington, NH
Witne	SS		Selectman, Town of Barrington, NH
Witnes	SS		Selectman, Town of Barrington, NH

Process Steps for Class VI/Private Road Building Permit Approval

Step 5	Produces Bond for road work, if required. Records Road Agreement with registry. Provides proof of responsibility for future maintenance	Applicant can receive building permit	Must show all documents BEFORE building permit is issued. All road work must be approved by the Road Agent to receive Certificate of	Occupancy. Release of Building Permit
Selectmen's Hearing	Review Partial List of Factors. Review recommendations from PB & Road Agent. Determine standard to which road needs to be improved. Determine if road bonding is required.	Board approves/denies building permit	if approved, Applicant must receive a written permit from the Board to perform road work. If denied, Applicant can appeal to the Zoning Board of Adjustment. APPLICANT CAN NOT	Go to Step 5
Step 3	Planning Board reviews request and considers relevant factors including those outlined in the Selectmen's policy on Class VI/Private Roads. Planning Board votes on recommendation that is forwarded to the Selectmen	Selectmen's Hearing can be set	Applicant must provide an abutter's list and pay the cost of notice by certified mail. Notice must be given at least 14 days in advance of the hearing.	So to Step 4
Step 2 Review	Staff reviews application for completeness. Road Agent provides written comments on road improvements that must be performed.	Public Hearing is set for Pianning Board	Request a copy of the Road Agent's recommendation for road improvements. Discuss \$ amount of improvements in case bonding is required.	Go to Step 3
Application	Make request in writing to the Board of Selectmen. Include the location & size of lot; relation to Class VI or Private Road and Class V which provides access. Location of all proposed structures Location/length of driveway	Staff forwards to Planning Board & Road Agent	Review the Selectmen's Policy on Class VI/Private Roads.	Go to Step 2
Applicant Process		OUTCOMES/GOALS	Applicant's Responsibility	Application Process